

IN THE UNITED STATES BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

IN RE: MELVIN PADILLA SOTO

Bankruptcy Number: **13-07470-MCF**

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: **09/10/2013**

First Meeting Date: **10/17/2013 at 10:00AM**

Days From Petition Date: **37**

341 Meeting Date: **10/17/2013 at 10:00AM**

910 Days Before Petition: **03/15/2011**

Confirmation Hearing Date: **11/08/2013 at 1:30PM**

Chapter 13 Plan Date: **09/10/2013** ☐ Amended

Plan Base: **\$46,200.00** Plan Docket # **10**

This is Debtor(s) **2** Bankruptcy petition.

This is the **1** scheduled meeting.

Payment(s) ☐ Received or ☐ Evidence shown at meeting:

Total Paid In: **\$0.00**

Check/MO# _____

Date: _____ Amount: \$ _____

*APPEARANCES: ☐ Telephone ☐ Video Conference

Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

Joint Debtor: ☐ Present ☐ Absent ☐ ID & Soc. OK

☒ Examined ☐ Not Examined under Oath

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Attorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): _____

☐ Pro-se

☒ Creditor(s) Present ☐ None

BPPR -- Rivera

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **JUAN O CALDERON LITHGOW***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$400.00** Outstanding (Through the Plan): **\$2,600.00**

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor(s) Income is (are) ☒ Under ☐ Above Median Income

Liquidation Value: \$ 0.00

Commitment Period is ☒ 36 months ☐ 60 months §1325(b)(1)(B)

Projected Disp. Inc.: \$ n/a

The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: ____ %

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☐ CLOSED ☒ HELD OPEN FOR 21 DAYS

§341 Meeting Rescheduled for: _____

Comments:

*CREDITOR(S) ORAL OBJECTIONS [LBR 3015-2 (c)(4)]
No objections

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1325(a)(4)] Plan fails Creditors Best Interest Test.

Debtor must increase value of household items. Debtor incurred a debt with Berrios of over \$6,000.00 in May 2013, but listed value of household items at \$1,500.00. Debtor stated that he needed to furnish the empty house where he is staying.

Debtor must submit evidence of value assigned to 2012 Jeep Liberty.

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

Debtor must submit evidence that car is satisfied by maturity date and therefore, insurance is not required.

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor must submit first payment to the Trustee in 10 days or dismissal will be requested.

[1325(a)(6)] Feasibility – Debtor(s) does not has/have the capacity to make proposed plan payments.

Debtor's expenses are unrealistically low for one person. Debtor does not have the capacity to make plan payments.

Debtor has failed to include DSO payments in Schedule J.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with plan scheduled distribution or no sufficient information to determine it.

Plan will become insufficiently funded when DSO arrears are included in plan.

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor must submit evidence of filing 1040PR tax returns for 2009-2012.

*OTHER COMMENTS / OBJECTIONS

Debtor must submit evidence of being current with DSO payments. Debtor stated that he has not made post-petition DSO payments because he has lost contact with beneficiary and does not know where she is.

Debtor must submit telephone number of DSO beneficiary or, if he is unable to submit such information, request waiver from the court.

Debtor must submit divorce judgment that establishes DSO.

NOTE: Debtor purchased Jeep Liberty 2012 in May 2013. Debtor stated that, at that time, he had a second job and could afford it. Debtor does not have second job anymore.

Debtor must amend SOFA to include Nissan Altima 2011, surrendered to BPPR in August 2013.

Debtor must amend plan to state that car being paid in full is financed through FirstBank.

Debtor must amend Schedule E to include DSO arrears.

/s/ Jose R. Carrion, Esq. Meeting Date: Oct 17, 2013

Trustee

/s/ Alexandra Rodriguez, Esq.

Presiding Officer